



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12208 of 2016

1 MAHESH
2 RAMESH
3 NATESAN

... PETITIONERS/ACCUSED 1 to 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT
CR. NO. 198 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.SATHYA CHIDAMBARAM Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

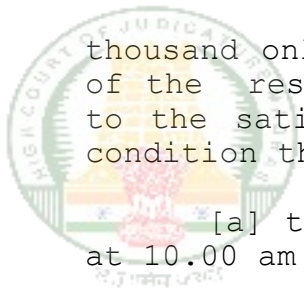
The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.198 of 2016, seek anticipatory bail.

2. The case of the prosecution is that due to pathway dispute, the petitioners attacked the defacto-complainant and abused him in filthy language and also threatened with dire consequences. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ~~Seventeen days~~ ^{Seven days} from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten



thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
20/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT

+1. CC to M/S S.SATHYA CHIDAMBARAM Advocate SR.No.38022.

ORDER
IN
CRL OP(MD) No.12208 of 2016
Date :20/07/2016

AM/AAL.MPA/SAR-II/25.07.2016/2P/6C